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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,406	09/29/2000	Benoit Vialle	24530.00600	9675

7590

01/08/2004

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EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,406

Applicant(s)

VIALLE ET AL.

Examiner

X L Bautista

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by *Hawkins et al* (US 6,516,202 B1).

Claims 1 and 17:

Hawkins discloses a method and apparatus for an organizer (personal digital assistant) that may receive a cellular portion to form a cellular telephone. Hawkins teaches initiation of the call device in response to a call signal (col. 3, lines 35-45; col. 4, lines 35-36); displaying a selectable interface of the call device in response to the call signal (fig. 8A, 8B; 9B); the selectable interface is configured to substantially emulate a dial pad of a handheld touch tone phone; receiving a dial signal from the selectable interface to initiate a phone call; and initiating the phone call in response to the dial signal (fig. 8A; col. 7, lines 12-60).

Claims 2, 10, and 18:

Hawkins teaches a voice connection button 356 for initiating a voice connection to receive or place a voice telephone call, and a data connection button 357 for initiating a data connection for access to the WWW (col. 3, lines 35-48).

Claims 3 and 19:

Hawkins teaches a dial pad screen 815 having a talk button icon (send), (fig. 8A).

Claims 4, 13, and 20:

Hawkins teaches suspending a current application when the application is

other than the call device (col. 4, lines 28-36).

Claims 5 and 21:

Hawkins teaches a log of past dialed and/or received calls that provides the user with a list of most recent phone calls and enables the user to redial a desired phone number (col. 6, lines 61-67; col. 7, lines 1-7; fig. 8B (call back icon)).

Claims 6 and 22:

Hawkins teaches searching the memory of the organizer for a name associated with a phone number (col. 7, lines 64-67; col. 8, lines 1-8).

Claims 7 and 23:

Hawkins teaches a timer configured to clock a duration of the connection with other phone device (col. 7, lines 28-31; col. 8, lines 40-46; col. 12, lines 44-46).

Claims 8 and 24:

Hawkins teaches receiving a save signal to save a phone number and initiating an address entry application in response to receiving the save signal (col. 5, lines 27-34; col. 6, lines 27-36, 64-67; col. 7, lines 1-6; col. 8, lines 47-52; col. 12, lines 4-5, 16-26).

Claims 9 and 25:

Hawkins teaches a screen that provides the options of hanging up (ending connection), (col. 7, lines 42-44).

Claim 11:

Hawkins teaches that phone calls are placed and received (send, answer, ignore calls) according to the user selections (col. 7, lines 43-60; fig. 8B).

Claims 12, 14, and 15:

Hawkins teaches a display device that is a touch-sensitive screen, having software-generated keys (col. 2, lines 47-54), that identifies a tap input from a user (fig. 8A-8B; col. 6, lines 61-67; col. 7, lines 1-7).

Claim 16:

Hawkins teaches a microphone connected to the organizer, which is configured to receive audio input from a user (col. 3, lines 23-28; col. 11, lines 38-48). The microphone may be deactivated when the user terminates a call by pressing the touch pad (for example by pressing the hang up icon).

Conclusion

4. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The document cited therein, teach a touch screen form entry system having a selectable interface that emulates a dial pad of a telephone.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

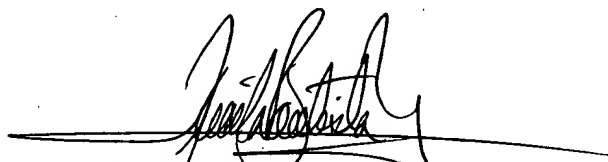
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The

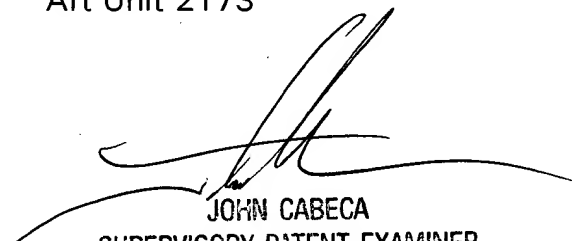
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fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista
Patent Examiner
Art Unit 2173



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

xlb
January 2, 2004